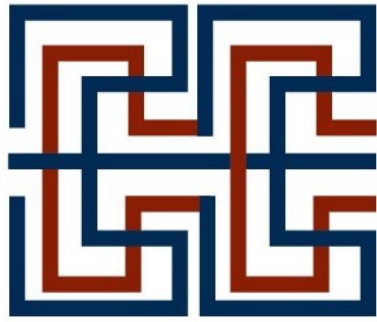


NEWSLETTER

Professional legal information, services, and education

LAW
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New Options for Domestic Violence Victims

By [Kathleen Maloney](#) | Court News Ohio

Paula Walters credits “a nosy neighbor” with saving her life. Walters, a paramedic, was living with her boyfriend in a house in Henry County. The neighbor knocked on the door one day while Walters was being strangled by her boyfriend. The knock stopped the attack.

Walters was taken to the hospital on that day in 2006, and she filed a police report. She said her boyfriend hit and kicked her and he strangled her causing her to pass out. Staff at the hospital knew her boyfriend, who worked in law enforcement. A doctor asked her, “What did you do to make him so mad?”

Walters, who shared her experiences in October at an Ohio Domestic Violence Network event, said her boyfriend was charged with felonious assault, pled to a misdemeanor, and was placed on probation and fined. Walters was treated at the hospital for extensive visible bruising, including around her eyes, mouth, and face. But those were only the injuries the medical staff could see. Over the ensuing years, her symptoms, such as dizziness, worsened. Doctors diagnosed her with a dozen ailments and prescribed 22 medications. In 2019, 13 years after the attack, doctors finally landed on a clear diagnosis – traumatic brain injury. It was caused by the oxygen deprivation to her tissues and organs that occurred during

the strangulation. Walters began a slow process of recovery from her injuries.

Accounts from victims like Walters are disturbing, but sadly not uncommon. The National Coalition Against Domestic Violence reports that 10 million people are physically abused each year by an intimate partner and 20,000 calls are made every day to domestic violence hotlines. Ohio courts and the legal community have assisted and pro-



tected victims of domestic violence and held offenders accountable with the tools available. Those measures are evolving. New laws are being applied in the courts. Resources to get victims the help they need are expanding. And courts continue their programs for offenders to change dangerous behaviors.

Strangulation Now a Felony

Among the new laws, Ohio this year made strangulation – ob-

structing someone's normal breathing or blood flow – a felony offense even when it isn't fatal. Taking nonfatal strangulation seriously is crucial because it is frequently a precursor to murder in domestic violence cases, said Ruth Downing, a forensic nurse, at a recent webinar coordinated by the Supreme Court of Ohio Domestic Violence Program on the new law. Research shows that women who have been strangled and lived are seven times more likely to later become a victim of homicide.

Before the new law took effect in April, prosecutors could charge a nonfatal strangulation case as felonious assault, explained Alexandria Ruden, a supervising attorney for Legal Aid Society of Cleveland. Ruden coauthored "Ohio Domestic Violence Law" with retired Cleveland Municipal Judge Ronald Adrine and Cuyahoga County Common Pleas Judge Sherrie Miday. The threshold for a felonious assault conviction is high because it requires proving serious physical harm or temporary substantial incapacity. Ruden said advocates reported that strangulation was charged as felonious assault only if there were significant external injuries or a clear loss of consciousness.

"The challenge with nonfatal strangulation is it is very dangerous but results in visible injuries only about 50% of the time. In fact, pathologists have said victims can die from strangulation without any exterior marks," Ruden said.

Brain injury or memory loss are two injuries without external marks that can result from the restricted or blocked blood flow to the brain during strangulation. Someone who has been strangled can die from internal injuries as much as 36 hours later, Downing said. She added that victims who are strangled often don't realize it when they lose consciousness – which can happen within six seconds. Death can occur in as little as two minutes. "Without the understanding of the medical piece, some cases got treated much less seri-



ously than they should," Ruden said. They were often prosecuted as misdemeanor offenses.

Marsy's Law, Victim Rights, and Court Obligations

This year, new laws were put in place to implement the requirements of Marsy's Law, a constitutional amendment approved by voters to protect victim rights. The expanded rights guaranteed by Marsy's Law apply to victims of domestic violence as they do to any crime victim. Marsy's Law details an array of rights, such as updating victims on the status of the court case, protecting them from the accused, shielding the victim's identifying information from disclosure to the public, notifying victims about public court proceedings, and that they can attend and be heard at the proceedings. Courts also have a bigger role to play because they must be certain a victim's rights are upheld throughout the legal process. That court responsibility carries through to the end of the case or to the offender's completion of the sentence.

Judge Hemmeter noted that before Marsy's Law and the new statutes, a domestic violence offender could enter a plea without any victim input.

"Now it's a much more transparent process. Courts are checking at many points that

the required steps are taken. We want to make sure everyone is on equal footing," she said.

In light of the changes, Judge Hemmeter found she had to shift her approach in a domestic violence case last month. A woman alleged that her husband assaulted her, but then recanted her allegation. To comply with Marsy's Law, Judge Hemmeter will need to be sure that the woman is kept informed about the case even though she recanted.

"She now has constitutional rights," the judge noted.

The woman will be told she can take part in the legal proceedings. She can appear in court and make her wishes known, whatever those wishes are.

"Marsy's Law has made courts look at our role in ensuring that victims understand the legal process and that their voices are heard," Judge Hemmeter said.

The judge said she also speaks directly to victims much more since Marsy's Law was approved. Before, the prosecutors or victim advocates in the municipal court would take the lead on guiding victims through the prosecution of the case. But now, as the judge, she is obligated by Marsy's Law to explain the legal process to victims of crime.

The Summit County Domestic Violence Intervention Court (DVIC) has victim notification already built into its process. The DVIC, which launched in 2011, was certified as a specialized docket by the Supreme Court in 2019 to offer treatment, counseling, education, and an alternative to prison to certain domestic violence offenders with diagnosed substance abuse or mental health issues. Program coordinator Christina Claar said the victim advocates take part in the regular meetings the offenders must attend. The advocates then update victims about what's happening with the offender and the case, Claar said.

Kelli Anderson, who supervises the DVIC and the domestic violence unit in

the Summit County Adult Probation Department, said the officers in her unit make multiple attempts to notify victims and document the efforts. The notifications about the proceedings and their rights becomes more difficult if victims move but don't update their contact information with the court.

To assist courts with understanding the obligations to crime victims, the staff of the Supreme Court Office of Court Services can help identify considerations and duties for courts when notifying victims and for handling continuances, pleas, discovery, testimony, restitution, and more. More targeted guidance is also available for juvenile courts and for clerks of court.

Resources

Law Library subscribers have access to a variety of Domestic Violence Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

LEXIS+

SYMPOSIUM: Victims' Rights from a Restorative Perspective

Ohio State Journal of Criminal Law Apr 01, 2020 | 17 Ohio St. J. Crim. L. 293

NOTE AND COMMENT: OHIO'S NEW DATING VIOLENCE PROVISION: GETTING UP TO DATE WITH U.S. DOMESTIC VIOLENCE LAW, 52 U. Tol. L. Rev. 615

National Domestic Violence Hotline
Hours: 24/7.
800-799-7233

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By [Kathleen Maloney](#) | Court News Ohio



TECH TIP

Clearing out your Email for the New Year!

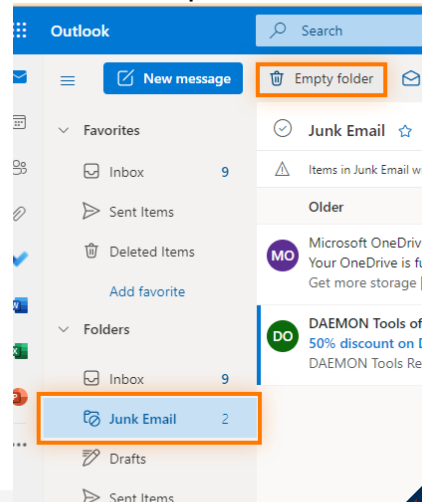
By: Ana Mendoza

New Year, new inbox! Take some time this break to clear out your email with a few simple steps. Whether you use Apple, Gmail, Outlook or multiple platforms, digital clutter can be just as stressful as a messy workspace! Here are some quick tricks to clear out that inbox.

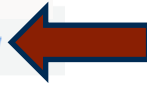
Spam & Trash/Junk Mail:

Emails that have been deleted will often remain in the Trash for 30 days. You can delete the emails earlier by emptying your trash. Add unwanted email addresses to filter more emails directly into the spam folder.

Using Gmail pictured below.

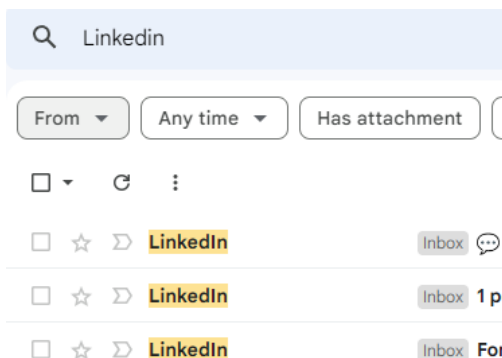


Messages that have been in Spam more than 30 days will be automatically deleted. [Delete all spam messages now](#)

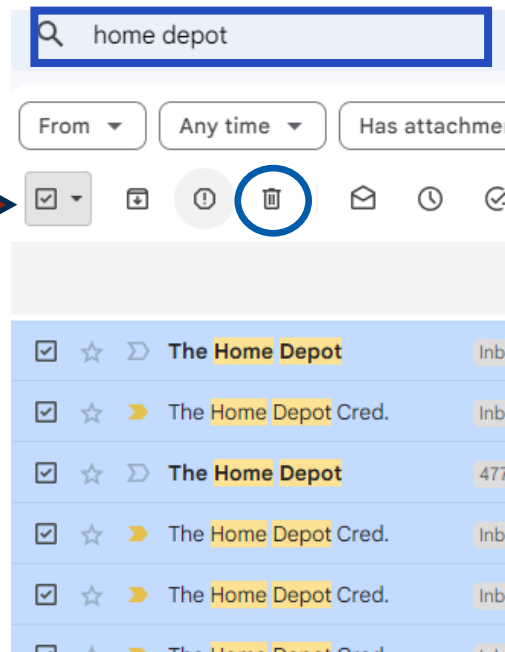


Social Media Notifications & Regular Ads:

Use the search bar to separate emails that you receive regularly such as social media notifications (ex: LinkedIn or Instagram) and use the selection box to select emails en masse.

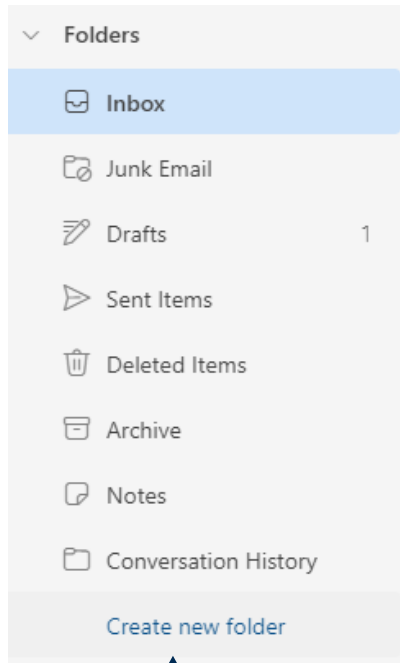


You can also take this opportunity to unsubscribe from notifications!

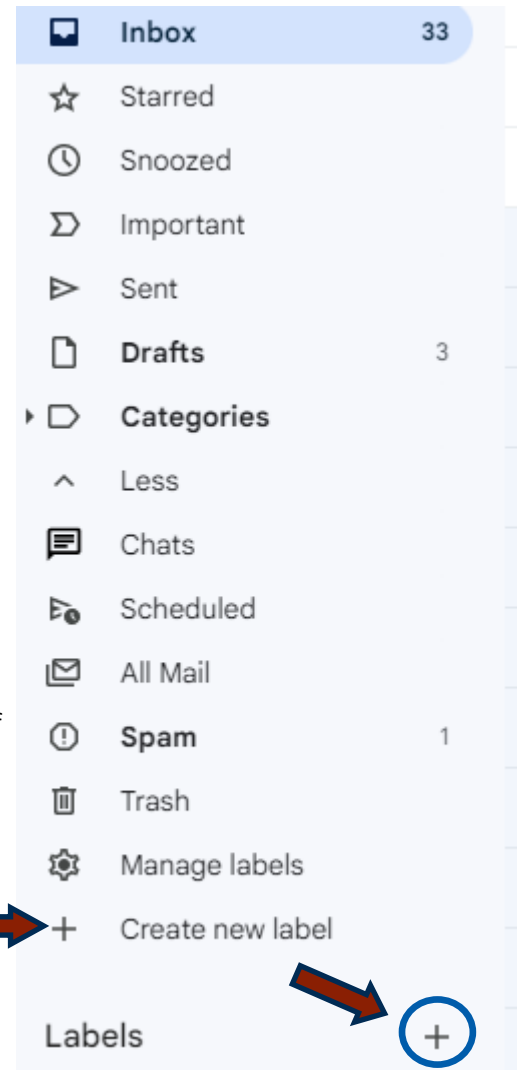


Create Folders:

Add new folders to your inbox to separate bills, and other important documents that can easily be sorted through. Using the search bar, you can select and drag multiple files to each folder. If it is an upcoming event, add it to your calendar and either delete or archive the email. Tasks can also be added to lists that can be checked off.



In Gmail, labels are used instead of folders to organize important documents or bills. You can have emailed be automatically filtered into the label of your choice.



Create folders in Outlook to organize emails and filter emails automatically into selected folders.

Unsubscribe, Unsubscribe, Unsubscribe:

Although this takes time, unsubscribing from unwanted email lists can decrease your inbox significantly. The 'Unsubscribe' link is usually at the bottom of an email that will take you to the website to confirm your decision to unsubscribe.

Don't unsubscribe from the Law Library!



No longer want to receive these emails? [Unsubscribe.](#)

RC Superstore 1400 Cannon Circle Suite 1 Faribault, MN 55021

[Free Shipping Policy](#)

Many emails will have a small message at the very bottom that look similar to this.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including

Lexis+, Westlaw, Wolters Kluwer VitalLaw™, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Zoom, Skype & other videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Wolters Kluwer VitalLaw™

Upcoming Events at the Law Library

12/07/2023—Holiday Party 1-3 PM

12/25/2023—CLOSED for Christmas

01/01/2024—CLOSED for New Years Day

12/27/2023—[CLE: Stress Management Strategies for Ethical Lawyering](#) | [Register Here](#) - 12:00 PM - 2:45 PM

01/11/2024—HCLL Book Club Meeting at 12:00 PM – 1:00 PM



Join the Hamilton County Law Library for a **Merry & Bright Holiday Party.**

Light refreshments and a fun holiday treat will be available from 1-3 PM.

CLE: Stress Management Strategies

Practicing law has many stressors, and unchecked stress can create ethical issues and unprofessional behavior, and can lead to addictive behavior. This course will explore self-care strategies for lawyers to use to manage their stress in order to best represent client issues and demonstrate competence in accordance with the Ohio Ethics Rules.

This CLE is being offered in collaboration with the Cincinnati Bar Association Health and Well-Being Committee, and has been approved for 2.5 credits of professional conduct in Ohio. This is an online class and we will send you a Zoom meeting link and password.

Subscriber Renewals for 2024

We mailed invoices for Hamilton County Law Library's 2024 services for subscribers in November. We hope that you will renew without a moment's hesitation, given the many services and resources offered by the Law Library. You are welcome to pay in December or wait until January – your choice.

Our librarians appreciate your calls and emails for research support. Subscribers and county officials may request cases, annotated statutes, treatise materials, KeyCite or Shepard's reports, forms, and more sent via email. This service is available to you at no additional charge. We also offer CLEs and training, video conferencing, meeting room use, loan of books, coffee, and low-cost photocopying. Our solo attorney and 100% firm subscribers benefit from off-site access to a number of legal information databases.

Thanks for your continued use of the Law Library, whether on site or from the convenience of your home or office. If you have questions about the invoice or about making the most of your investment, please contact [Betsy Weber](#).

Payments by Credit Card:

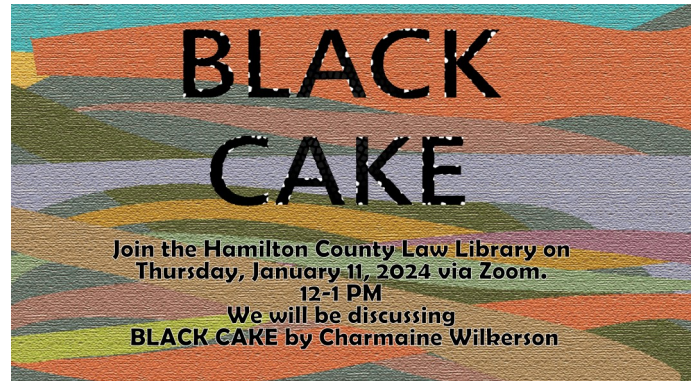
Just a reminder – we are happy to take your payment by credit card if you prefer. Simply contact us by phone at 513-946-5300 or email at reference@cms.hamilton-co.org and we'll send you the secure payment link.

Inclement Weather and other Closings

The Law Library rarely closes due to inclement weather but, as winter approaches, we want you to know how to find out about unplanned closings. When we close for bad weather, we announce it on our [Facebook](#) and Twitter feeds and will put a banner on the Law Library [website](#).

Law Library Board Meeting

The Hamilton County Law Library Resources Board will next meet on Thursday, January 18 at 12pm. Meetings of the Hamilton County Law Library Resources Board are open to the public. The meeting will be held in the Robert S. Kraft Boardroom in the Law Library at 1000 Main Street, 6th Floor, Cincinnati, OH 45202.



Book Club

In present-day California, Eleanor Bennett's death leaves behind a puzzling inheritance for her two children, Byron and Benny: a black cake, made from a family recipe with a long history, and a voice recording.

Join the Law Library on January 11, 12-1 PM to discuss Charmaine Wilkerson's book **BLACK CAKE**. [Register Here!](#)

Follow us on social media!

If you appreciate the content of our monthly newsletter, you should like us on [Facebook](#) and follow us on [Twitter](#) (@HCLawLib) and Instagram for even more updates on library happenings and info on relevant legal news. We also publish a [blog](#) and push those updates to our social media accounts, so if you follow us you'll never miss a post.





**Hamilton County
LAW LIBRARY**



The premiere event is the Books by the Banks Cincinnati Regional Book Festival held annually in downtown Cincinnati. The day-long festival, which is free and open to the public, features national, regional, and local authors and illustrators; book signings; panel discussions; and activities for the entire family to enjoy.

Have you been to Books by the Banks? The Law Library participated at the event on November 18! Our goal is to inform the public of the resources available during operating hours.



December 2023 Law Library Newsletter